



January 21, 2019

The Honorable Bill Flores
United States House of Representatives
2228 Rayburn House Office Building
Washington, D.C. 20515

Re: Office of the Pardon Attorney – Military Applicants

Dear Congressman Flores:

Thank you for meeting with me and Ricky Rand earlier this month in your Capitol Hill office to discuss the parole of US Army First Sergeant John Hatley. You asked that I submit a statement of the problem and offer implementable solutions concerning the present inability for American servicemembers convicted of crimes to directly reach the President of the United States to seek favorable action in their cases.

Although convicted drug dealers and other Federal felons can forward applications through the Office of the Pardon Attorney (OPA), part of the United States Department of Justice, the same office refuses to process a military member's application for clemency, parole, commutation (John Hatley), a pardon, or to "disapprove the findings and the sentence" (Clint Lorange). Instead, in a disturbingly circular fashion, the OPA returns the application for Executive action to the particular military Department in which the applicant served – the very Department that may have wrongfully prosecuted, convicted, and incarcerated the servicemember in the first place. We have firsthand experience with this in John Hatley's case and in Clint Lorange's case, both men from Texas. In each, the OPA informed the following:

This is in response to your follow up email from earlier today inquiring further about the Department's policy with regard to military commutation requests. Please take a moment to review our longstanding policy on the subject at [:] <https://www.justice.gov/pardon/policies#s4>. The response you received earlier today was accurate because we do not handle or accept petitions on behalf of individuals wishing to seek commutation of sentence for a military conviction. That is outside of the scope of our mission and that is best response I can provide.

(E-mail from William Taylor II, Executive Officer, Office of the Pardon Attorney, U.S. Department of Justice (June 29, 2018)) (underline emphasis original).

Consequently, these two American warriors, Hatley and Lorange, who had the courage to face the enemy in combat in foreign lands, have no access to the President or his staff, while Federal convicted drug dealers can seek Executive action through the OPA. This cannot be right.

The instant solution for John and Clint may be for a leader like yourself, or several like-minded Members, to forward John and Clint's applications to contacts within the White House with a request for a short briefing and presentation for consideration and action.

The larger or longer-term solution may be in the form of an Executive Order, an Executive Memorandum, or a Presidential Directive instructing the Attorney General to revise the OPA policy to authorize servicemembers convicted of crimes under the Uniform Code of Military Justice (UCMJ) to enjoy the same rights and privileges that other convicted Federal offenders possess.

Sent via United States Mail to your Capitol Hill Office are John Hatley's and Clint Lorance's applications to the President, for which neither were reviewed nor forwarded to the White House.

As always, I remain available to talk, brief, meet-in person, provide source materials, or whatever is needed to see that positive corrective action is taken to ensure that our servicemembers receive each and every right and privilege that they literally walked into combat to protect and defend.

Respectfully,

s/

John N. Maher

cc: Kevin J. Mikolashek, Esquire
David Bolgiano, Esquire
Don Brown, Esquire
Counsel for Hatley and Lorance

Mr. Richard K. Rand
Hatley Family Representative

Ms. Anna Lorance
Clint Lorance's Mother

Lieutenant Colonel David Gurfein (USMC Ret.)
Chief Executive Officer
United American Patriots, Inc.
Non-profit supporting and defending Hatley and Lorance

